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# REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)

076565-0115

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 5,842,486, granted 12/01/1998, and for which a reissue patent is sought on the invention entitled HERMETICALLY SEALED COSMETIC COMPACT CASE

the specification of which

☒ is attached hereto.

☐ was filed on \_\_\_\_\_ as reissue application number \_\_\_\_ / \_\_\_\_\_  
and was amended on \_\_\_\_\_  
(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

- ☐ by reason of a defective specification or drawing.
- ☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.
- ☐ by reason of other errors.

At least one error upon which reissue is based is described as follows:

Living hinge 28 is disclosed in the FIGURES, at col. 4, lines 59-61 and at col. 6, lines 6-8 of U.S. Patent No. 5,842,486. Claims 1-20 of the '486 patent do not appear to explicitly recite "a hinge".

All errors corrected in this reissue application arose without any deceptive intention on the part of the Applicant.

[Page 1 of 5]

Burden Hour Statement: This form is estimated to take 0.5 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**HERMETICALLY SEALED COSMETIC COMPACT CASE**

**(Attorney Docket No. 76565-115)**

the specification of which (check one)

  X   is attached hereto.

       was filed on        as United States Application Number or PCT International Application Number        and was amended on        (if applicable).

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number	Country	Foreign Filing Date	Priority Claimed?	Certified Copy Attached?

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

U.S. Provisional Application Number	Filing Date

I HEREBY CLAIM the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Application Number	Parent Filing Date	Parent Patent Number

I HEREBY APPOINT the following registered attorneys and agents of the law firm of FOLEY & LARDNER to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith:

RUSSELL J. BARRON

Reg. No. 29,512

DAVID J. BATES	Reg. No. 39,902
STEVEN C. BECKER	Reg. No. 42,308
DOUGLAS A. BOEHM	Reg. No. 32,014
EDWARD W. BROWN	Reg. No. 22,022
LISA A. BRZYCKI	Reg. No. 40,926
CHARLES G. CARTER	Reg. No. 35,093
JOHN C. COOPER III	Reg. No. 26,416
JEFFREY N. COSTAKOS	Reg. No. 34,144
WILLIAM J. DICK	Reg. No. 22,205
BARRY L. GROSSMAN	Reg. No. 30,844
KEITH D. LINDENBAUM	Reg. No. 40,365
RICHARD J. MC KENNA	Reg. No. 35,610
JAMES G. MORROW	Reg. No. 32,505
STEPHEN MICHAEL PATTON	Reg. No. 36,235
JOHN T. PIENKOS	Reg. No. 42,997
TODD A. RATHE	Reg. No. 38,276
CHRISTOPHER M. TUROSKI	Reg. No. 44,456
PETER J. VOGEL	Reg. No. 41,363
JAMES A. WILKE	Reg. No. 34,279
JOSEPH N. ZIEBERT	Reg. No. 35,421
WALTER E. ZIMMERMAN	Reg. No. 40,883

and I request that all correspondence be directed to:

Christopher M. Turoski  
**FOLEY & LARDNER**  
 Firstar Center  
 777 East Wisconsin Avenue  
 Milwaukee, Wisconsin 53202-5367

Telephone: (414) 297-5654  
 Facsimile: (414) 297-4900

I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name of first inventor

Lawrence G. Davis

Residence

Menomonee Falls, WI

Citizenship

United States of America

Post Office Address

N66 W12776 Ravine Drive, Menomonee Falls, WI 53051

Inventor's signature

*Lawrence G. Davis*

Date

Nov 16, 1999

Name of second inventor

Carol J. Nikolaus

Residence

Shorewood, Wisconsin

Citizenship

United States of America

Post Office Address

1300 E. Lawnwood Place, Shorewood, Wisconsin 53211

Inventor's signature

*Carol J. Nikolaus*

Date

Nov. 15, 1999

667221 76565-115

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Lawrence G. Davis  
Carol J. Nikolaus

Title: HERMETICALLY SEALED  
COSMETIC COMPACT CASE

Patent No.: 5,842,486

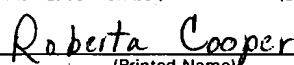
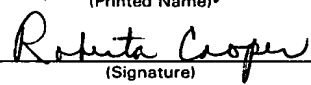
Issue Date: 12/01/1998

Appl. No.: To be determined

Examiner: To be determined

Art Unit: To be determined

Attorney 76565/115  
Docket  
No.:

<b>CERTIFICATE OF EXPRESS MAILING</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.	
EL 529676065US (Express Mail Label Number)	12/21/99 (Date of Deposit)
 (Printed Name)	
 (Signature)	

**POWER OF ATTORNEY OR AUTHORIZATION OF AGENT**  
**BY ASSIGNEE**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Rexam Cosmetic Packaging, Inc., a corporation duly organized and existing under the laws of the State of Delaware, and having its principal place of business at N65 W24770 Main Street, Sussex, Wisconsin 53089-0902 is the Assignee and owner of the entire right, title, and interest in and to the above-identified patent application.

Assignee hereby appoints the following registered attorneys and agents of the law firm of Foley & Lardner to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith:

RUSSELL J. BARRON	Reg. No. 29,512
DAVID J. BATES	Reg. No. 39,902
STEVEN C. BECKER	Reg. No. 42,308
DOUGLAS A. BOEHM	Reg. No. 32,014
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KEITH D. LINDENBAUM	Reg. No. 40,365
RICHARD J. MC KENNA	Reg. No. 35,610
JAMES G. MORROW	Reg. No. 32,505
STEPHEN MICHAEL PATTON	Reg. No. 36,235
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CHRISTOPHER M. TUROSKI	Reg. No. 44,456
PETER J. VOGEL	Reg. No. 41,363
JAMES A. WILKE	Reg. No. 34,279
JOSEPH N. ZIEBERT	Reg. No. 35,421
WALTER E. ZIMMERMAN	Reg. No. 40,883

and requests that all correspondence be directed to:

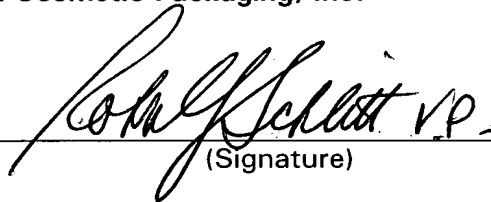
Christopher M. Turoski  
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Firststar Center  
777 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202-5367

Telephone: (414) 297-5772  
Facsimile: (414) 297-4900

Executed this 16<sup>th</sup> day of November, 1999.

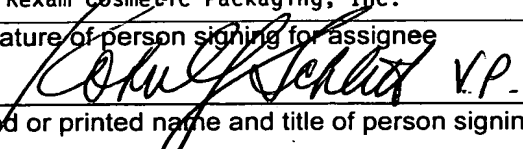
Rexam Cosmetic Packaging, Inc.

By:

  
(Signature)

Robert J. Schlitt  
(Printed Name)

Vice President  
(Title)

<b>REISSUE APPLICATION BY THE ASSIGNEE, OFFER TO SURRENDER PATENT</b>		Docket Number (Optional) 076565-0115
<p>This is part of the application for a reissue patent based on the original patent identified below.</p>		
Name of Patentee(s): Lawrence G. Davis and Carol J. Nikolaus		
Patent Number 5,842,486	Date Patent Issued 12/01/1998	
Title of Invention HERMETICALLY SEALED COSMETIC COMPACT CASE		
<p><u>Rexam Cosmetic Packaging, Inc.</u> is the assignee of the entire interest in the original patent.</p> <p>I offer to surrender the original patent.</p> <p><input checked="" type="checkbox"/> A certificate under 37 CFR 3.73(b) is attached.</p> <p>I am authorized to act on behalf of the assignee.</p>		
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application, any patent issued thereon, or any patent to which this declaration is directed.</p>		
Name of assignee Rexam Cosmetic Packaging, Inc.		
Signature of person signing for assignee  V.P.	Date 11/16/99	
Typed or printed name and title of person signing for assignee Robert J. Schlitt - Vice President		

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Davis, Lawrence G.  
Nikolaus, Carol J.

Title: HERMETICALLY SEALED  
COSMETIC COMPACT  
CASE

Patent No.: 5,842,486

Issue Date: 12/01/1998

Examiner: To be determined

Application No.: To be determined

Art Unit: To be determined


Attorney Docket No.: 76565/115

<b>CERTIFICATE OF EXPRESS MAILING</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.	
EL529676065US	12/21/99
(Express Mail Label Number)	(Date of Deposit)
Roberta Cooper	
(Printed Name)	
Roberta Cooper	
(Signature)	

**WRITTEN CONSENT OF ASSIGNEE**

Box PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Rexam Cosmetic Packaging, Inc., assignee of U.S. Patent No. 5,842,486, consents to the filing of the above-captioned present application for reissue of U.S. Patent No. 5,842,486.

  
Robert J. Schlitt  
Vice President,  
Rexam Cosmetic Packaging, Inc.

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Davis et al.

Application No./Patent No.: 5,842,486 Filed/Issue Date: 11/25/1997; 12/01/1998

Entitled: HERMETICALLY SEALED COSMETIC COMPACT CASE

Rexam Cosmetic Packaging, Inc., a Corporation,  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Lawrence G. Davis and Carol J. Nikolay, Sussex Plastics Inc.  
The document was recorded in the Patent and Trademark Office at  
Reel 8925, Frame 0703, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☒ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

**[NOTE:** A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

11/16/99  
Date

Robert J. Schmitt  
Signature  
Robert J. Schmitt  
Typed or printed name  
Vice President-Rexam Cosmetic Packaging, Inc.  
Title

ADDITIONAL DOCUMENTS IN THE CHAIN OF  
TITLE FOR U.S. PATENT NO. 5,842,486

Attorney Docket No. 76565/115

Exhibit A: Stock Purchase Agreement by and Among Rexam Packaging, Inc. (Sheets A-1 through A-76)

Exhibit B: Schedule 4.13(b) to Stock Purchase Agreement Sussex – Rexam (1 Sheet)

667227-16463450